

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

MBIA INC.,

Plaintiff,

v.

FEDERAL INSURANCE COMPANY and,
ACE AMERICAN INSURANCE COMPANY,

Defendants.

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) Case No.
) 08-CIV-4313
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STATEMENT OF UNDISPUTED FACTS

MBIA Inc. (“MBIA”) and Federal Insurance Company (“Federal”) agree that the following documents are authentic pursuant to Federal Rule of Evidence 901:

- Executive Liability and Indemnification Policy, No. 7023-4658 that Federal issued to MBIA for the period from February 14, 2004 to August 15, 2005. [Bates Nos. STIP 00001 – STIP 00054]
- Order Directing Private Investigation and Designating Officers to Take Testimony issued by the United States Securities and Exchange Commission (“SEC”) dated March 9, 2001. [Bates Nos. STIP 00055 – STIP 00061]
- The subpoena that the SEC issued to MBIA, dated November 17, 2004. [Bates Nos. STIP 00062 – STIP 00074]
- The subpoena that the SEC issued to MBIA, dated December 8, 2004. [Bates Nos. STIP 00075 – STIP 00081]
- The subpoena that the SEC issued to MBIA, dated December 16, 2004. [Bates Nos. STIP 00082 – STIP 00089]
- The subpoena that the SEC issued to MBIA, dated March 30, 2005. [Bates Nos. STIP 00090 – STIP 00102]
- The subpoena that the New York Attorney General (“NYAG”) issued to MBIA, dated November 18, 2004. [Bates Nos. STIP 00103– STIP 00106]

- All of the correspondence accompanying MBIA's document productions to the SEC and NYAG. [Bates Nos. STIP 00107 – STIP 00273]
- Submission to the United States Securities & Exchange Commission on behalf of MBIA Inc., dated August 15, 2005. [Bates Nos. STIP 00274 – STIP 00384]
- The Wells Notice the United States Securities & Exchange Commission issued to MBIA, dated August 18, 2005. [Bates Nos. STIP 00385 – STIP 00386]
- Offer of Settlement of MBIA Inc. in In the Matter of MBIA Inc. [Bates Nos. STIP 00387 – STIP 00409]
- Order Instituting Cease-and-Desist Proceedings, Making Findings, and Imposing a Cease-and-Desist Order Pursuant to Section 8A of the Securities Act of 1933 and Section 21C of the Securities Exchange Act of 1934 in In the Matter of MBIA Inc. [Bates Nos. STIP 00410 – STIP 00430]
- Complaint in Securities and Exchange Commission v. MBIA Inc., 07 Civ. 658 (S.D. N.Y.), filed January 29, 2007. [Bates Nos. STIP 00431 – STIP 00456]
- Consent of Defendant MBIA Inc. to Final Judgment in Securities and Exchange Commission v. MBIA Inc., 07 Civ. 658 (S.D. N.Y.). [Bates Nos. STIP 00457 – STIP 00461]
- Final Judgment by Consent in Securities and Exchange Commission v. MBIA Inc., 07 Civ. 658 (S.D. N.Y.). [Bates Nos. STIP 00462 – STIP 00465]
- Assurance of Discontinuance Pursuant to Executive Law § 63(15) in The People of the State of New York, by Eliot Spitzer v. MBIA, Inc., (N.Y. Sup. Court). [Bates Nos. STIP 00466 – STIP 00511]
- Report of the Independent Consultant to MBIA Inc., dated July 24, 2007. [Bates Nos. STIP 00512 – STIP 00535]
- Consolidated Amended Class Action Complaint for Violations of Federal Securities Laws in In re MBIA Securities Litigation, Case No. 05-3514 (S.D. N.Y.), dated October 3, 2005. [Bates Nos. STIP 00536 – STIP 00603]
- Opinion and Order in In re MBIA Securities Litigation, Case No. 05-3514 (S.D. N.Y.), dated February 13, 2007. [Bates Nos. STIP 00604 – STIP 00625]
- Appellant's Opening Brief in In re MBIA Securities Litigation, Case No. 07-1117 (2d Cir.), dated August 2, 2007. [Bates Nos. STIP 00626 – STIP 00682]
- Appellee's Brief in In re MBIA Securities Litigation, Case No. 07-1117 (2d Cir.), dated September 17, 2007. [Bates Nos. STIP 00683 – STIP 00769]

- Lead Plaintiffs' demand to settle In re MBIA Securities Litigation, Case No. 05-3514 (S.D. N.Y.), dated August 3, 2007. [Bates Nos. STIP 00770 – STIP 00774]
- Letter from Eric Zagar, of Schiffrin & Barroway, LLP on behalf of MBIA shareholder Robert Purvis, dated April 5, 2005.
[Bates Nos. STIP 00775 – STIP 00776]
- Shareholder Derivative Complaint in Purvis v. Brown, No. 20099-05 (Sup. Ct. N.Y., West Chester County), filed November 9, 2005.
[Bates Nos. STIP 00777 – STIP 00816]
- Final Report of the Special Litigation Committee of the Board of Directors of MBIA, Inc., dated August 15, 2006, and the Exhibits thereto.
[Bates Nos. STIP 00817 – STIP 02037]
- Memorandum in Support of Motion to dismiss in Purvis v. Brown, dated August 15, 2006. [Bates Nos. STIP 02038 – STIP 02073]
- Letter from Jeffrey P. Fink of Robbins Umeda & Fink, LLP, on behalf of MBIA shareholder J. Robert Orton, dated September 27, 2005.
[Bates Nos. STIP 02074 – STIP 02081]
- Shareholder Derivative Complaint in Orton v. Brown, No. 06-cv-314 (S.D. N.Y.), filed April 24, 2006. [Bates Nos. STIP 02082 – STIP 02142]
- Final Report of the Special Litigation Committee of the Board of Directors of MBIA, Inc., dated October 2, 2006, and the Exhibits thereto.
[Bates Nos. STIP 02143 – STIP 03589]
- Memorandum in Support of Motion to Dismiss in Orton v. Brown, dated October 2, 2006. [Bates Nos. STIP 03590 – STIP 03632]
- Letter from Lara Degenhart to MBIA's insurance carriers regarding possible settlement of Purvis v. Brown, dated September 19, 2006.
[Bates Nos. STIP 03633 – STIP 03635]

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